

Message

From: Orme-Zavaleta, Jennifer [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3C5A111DC377411595E5B24B5D96146B-ORME-ZAVALITA, JENNIFER]
Sent: 8/8/2018 3:49:33 PM
To: Christian, Megan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=64a0f5e0e9d94271b23cad28db653851-Lizotte, Me]
Subject: FW: FYI - Science Transparency EDF FOIA Lawsuit, Harvard Letter, and JAMA Forum
Attachments: JAMA_SecretScience_2018.pdf; Harvard_secretscience_Aug2018.pdf; EDF_FOIA_Lawsuit_Aug2018.pdf

Could you print these off for me

Jennifer Orme-Zavaleta, PhD
Principal Deputy Assistant Administrator for Science
Office of Research and Development
US Environmental Protection Agency

Personal Phone / Ex. 6

From: D'Amico, Louis
Sent: Wednesday, August 8, 2018 9:20 AM
To: Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>
Subject: FW: FYI - Science Transparency EDF FOIA Lawsuit, Harvard Letter, and JAMA Forum

For your awareness

Louis D'Amico, Ph.D.
Senior Science Advisor
Office of Research and Development
U.S. Environmental Protection Agency
Mail Code 8101R | 1200 Pennsylvania Ave, NW | Washington, DC 20460

Office: 202-564-4605 | Personal Phone / Ex. 6 | email: damico.louis@epa.gov

From: Flowers, Lynn
Sent: Wednesday, August 8, 2018 8:07 AM
To: D'Amico, Louis <DAmico.Louis@epa.gov>; Teichman, Kevin <Teichman.Kevin@epa.gov>; Vandenberg, John <Vandenberg.John@epa.gov>; Bussard, David <Bussard.David@epa.gov>; Blancato, Jerry <Blancato.Jerry@epa.gov>; Doa, Maria <Doa.Maria@epa.gov>; Bahadori, Tina <Bahadori.Tina@epa.gov>; Sinks, Tom <Sinks.Tom@epa.gov>; Grifo, Francesca <Grifo.Francesca@epa.gov>; Hauchman, Fred <hauchman.fred@epa.gov>; Zartarian, Valerie <Zartarian.Valerie@epa.gov>; Kuhn, Kevin <Kuhn.Kevin@epa.gov>; Christian, Megan <Christian.Megan@epa.gov>
Subject: FYI - Science Transparency EDF FOIA Lawsuit, Harvard Letter, and JAMA Forum

<https://www.eenews.net/eenewspm/2018/08/07/stories/1060092961>

Harvard researchers — secret science plan 'irrational at best'

EPA



EPA headquarters in Washington. EPA/Flickr

An EPA plan to limit the types of studies that can be used in drafting new environmental regulations would spawn "chaos and confusion detrimental to the protection of public health," dozens of Harvard University researchers and physicians warned in comments filed today.

Not only could EPA's approach disqualify numerous studies that have already helped build the case for key safeguards, but it contains "significant ambiguities," they wrote.

Among them: Will EPA "arbitrarily exclude" studies for which the underlying raw data are not available? How will the agency use its authority to grant exemptions from the proposed data availability requirements? And how will the proposal affect measures taken by other agencies that rely on EPA findings or decisions?

The draft rule "is irrational at best and detrimental to public health and safety at worst," the approximately 90 signers said in calling for it to be scrapped.

The proposal, "Strengthening Transparency in Regulatory Science," would effectively bar EPA from using specific studies for developing new regulations unless the underlying data "are publicly available in a manner sufficient for independent validation," according to the text. Since its release this spring, the proposal has met with a torrent of opposition from scientific and public health groups. Industry organizations have been more supportive.

Some observers views the proposal's genesis as rooted in a 2013 bid by House Science, Space and Technology Chairman Lamar Smith (R-Texas) to obtain the underlying data for studies by Harvard and American Cancer Society researchers that led to first-ever air quality standards for fine particulates.

When Smith's attempt to subpoena the data from EPA fell short, he and other GOP lawmakers introduced legislation, initially known as the "Secret Science Reform Act," to block the agency from crafting new regulations based on science "that is not transparent or reproducible."

After several versions of the bill repeatedly failed to pass Congress, Smith early this year pitched then-EPA Administrator Scott Pruitt on implementing the restrictions administratively, according to records obtained by the Union of Concerned Scientists under the Freedom of Information Act (*Climatewire*, April 20).

Pruitt, dogged by ethics and spending controversies, resigned last month. His successor, acting EPA chief Andrew Wheeler, recently told E&E News that he would take "a hard look" at the proposal but wanted to move forward with it (*E&E News PM*, July 13).

With a FOIA lawsuit filed today, the Environmental Defense Fund is seeking to force EPA to release more records related to the "consideration and implementation of ideas" derived from the House legislation.

The advocacy group, which had sought the records in two requests made in March and May, said EPA's failure thus far to respond runs afoul of a statutory deadline and "deprives the public of important information that could reveal the impetus for the proposed rule, and, thus, offer significant insight into EPA's decision-making process," according to the suit, filed in the U.S. District Court for the Southern District of New York.

Given that the deadline for written comments on the proposal is Aug. 16, the suit added, "any further delay could prevent EDF and other interested parties from thoroughly evaluating and responding to subsequent actions" related to the proposal.

Lynn Flowers, PhD, DABT
Associate Director for Science
Office of Science Policy/ORD
US EPA
Washington, DC
202-564-6293

-----Original Appointment-----

From: D'Amico, Louis

Sent: Thursday, August 02, 2018 2:20 PM

To: D'Amico, Louis; Teichman, Kevin; Vandenberg, John; Bussard, David; Blancato, Jerry; Flowers, Lynn; Doa, Maria; Bahadori, Tina; Sinks, Tom; Grifo, Francesca; Hauchman, Fred; Zartarian, Valerie; Kuhn, Kevin; Christian, Megan

Subject: General Discussion - Small Group

When: Tuesday, August 07, 2018 9:30 AM-10:30 AM (UTC-05:00) Eastern Time (US & Canada).

Where: DCRoomRRB41107-1; DCRoomRRB41107-2; **Personal Phone / Ex. 6**

Please find relevant materials for the conversation at the following SharePoint site:

Personal Phone / Ex. 6